

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WALTER SCOTT, et al.,

Plaintiffs,

vs.

BJC BEHAVIORAL HEALTH, et al.,

Defendants.

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Case No. 4:11CV00633 JCH

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Amend to Join Defendants [sic] Ann McLaughlin (Doc. No. 54). Upon this Court's review of this Motion and the proposed Amended Complaint, the Court finds the proposed amendment is deficient and, therefore, denies Plaintiff's Motion.

STANDARD

Federal Rule of Civil Procedure 15(a) governs a party's right to amend its pleadings and the rule declares that leave to amend "shall be freely given when justice so requires." Fed.R.Civ.P. 15(a). Given the courts' liberal viewpoint towards leave to amend, such motions normally are granted absent good reason for a denial. See Thompson-El v. Jones, 876 F.2d 66, 67 (8th Cir. 1989). The classic "good reasons" for rejecting an amendment are: "undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of amendment" Id. (citing Foman v. Davis, 371 U.S. 178, 182, 9 L. Ed. 2d 222, 83 S. Ct. 227 (1962)).

DISCUSSION

The Original Complaint was filed on April 11, 2011. (Doc. No. 1). Therein, Plaintiffs alleged that Ellen Depker, a case manager for BJC Behavioral Health, lied to police officers by claiming, among other things, that Plaintiff Scott made verbal threats about shooting anyone that came to the house. (Fourth Amended Complaint (“FAC”; Doc. No. 54-1), ¶¶6, 43(a); Complaint, ¶19(d)).

In the proposed Fourth Amended Complaint, Plaintiffs make allegations related to events that occurred after the inception of this litigation. See, e.g., FAC, ¶¶ 42-45. Plaintiffs allege that Probation Officers Daniel Spring and Ann McLaughlin have been harassing Plaintiffs and “caused Simms to be falsely arrested ... on false charges...” on June 17, 2011. FAC, ¶46(b).¹ These allegations relate to events that are separate and distinct from the allegations in the original Complaint, which occurred on or around March 29, 2011. (FAC, ¶7). Because there are no common questions of law or fact with original Complaint, the Court denies Plaintiff’s Motion for Leave. If Plaintiffs wish to bring these claims, they must file a new lawsuit.

Accordingly,

IT IS HEREBY ORDERED that Motion for Leave to Amend to Join Defendants [sic] Ann McLaughlin (Doc. No. 54) is **DENIED**.

Dated this 30th day of June, 2011.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE

¹Plaintiffs seek leave to add Ann McLaughlin, in her individual and official capacities, as a defendant in this action. McLaughlin is a “Unit Supervisor” with the Missouri Board of Probation and Parole. (FAC, ¶6(g)).